

## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Thursday, July 31, 2014 5:46 PM  
**To:** tom.reeder@ncdenr.gov  
**Cc:** Presnell, Lacy  
**Subject:** Duke Coal  
**Attachments:** Duke Energy Info Req Ltr. 7-31-14.pdf

Mr. Reeder,

Please find attached a copy of an Information Request Letter pursuant to Section 308 of the Clean Water Act that is being mailed today to Ms. Lynn Good at Duke Energy Corporation.

Thank you and please let me know if you have any questions.

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
Office of Environmental Accountability, 13th Floor  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
Phone: (404) 562-9670  
Fax: (404) 562-9487

**Hicks, Matt**

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**From:** Hicks, Matt  
**Sent:** Tuesday, August 26, 2014 1:38 PM  
**To:** tom.reeder@ncdenr.gov  
**Cc:** Presnell, Lacy  
**Subject:** Duke Coal  
**Attachments:** Duke Energy 308 Letter August 25 2014.pdf

Mr. Reeder,

Please find attached a copy of an Information Request Letter pursuant to Section 308 of the Clean Water Act that was mailed yesterday to Ms. Lynn Good at Duke Energy Corporation.

Thank you and please let me know if you have any questions.

Matthew L. Hicks  
Associate Regional Counsel  
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## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Thursday, August 28, 2014 11:07 PM  
**To:** Allen, Gabriel (ENRD)  
**Subject:** RE: Duke coal - 308 requests  
**Attachments:** Duke Energy Info Req Ltr. 7-31-14.pdf; Duke Energy 308 Letter August 25 2014.pdf

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
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Fax: (404) 562-9487

**From:** Allen, Gabriel (ENRD) [mailto:Gabriel.Allen@usdoj.gov]  
**Sent:** Wednesday, August 27, 2014 3:45 PM  
**To:** Hicks, Matt  
**Subject:** Duke coal - 308 requests

Matt,

Can you forward me the 308 requests that went out to Duke recently? Also, give me a call if you would like to discuss anything.

Thanks so much,  
Gabe

## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Wednesday, September 24, 2014 3:24 PM  
**To:** Allen, Gabriel (ENRD)  
**Subject:** Duke Coal  
**Attachments:** duke 308 first response letter.pdf; duke 308 first response.pdf

Gabe,

Attached is Duke Energy's first response to our July 31<sup>st</sup> information request. There are quite a few attachments which we received via CD that I believe are too large to email you. I will have a copy of the CD made and mail it to you.

Thanks,

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
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## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Thursday, October 09, 2014 11:19 AM  
**To:** Mazer, Jodi  
**Subject:** Duke Coal  
**Attachments:** duke second 308 response letter.pdf; duke second 308 response.pdf

Jodi,

Attached is Duke Energy's second response to our July 31<sup>st</sup> information request. As before, there are quite a few attachments which we received via CD. I plan to send you hard copies of both of their responses with attachments in today's mail.

Thanks,

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
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## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Monday, September 22, 2014 1:09 PM  
**To:** Mazer, Jodi  
**Subject:** Duke Coal  
**Attachments:** duke 308 first response letter.pdf; duke 308 first response.pdf

Jodi,

Attached is Duke Energy's first response to our July 31<sup>st</sup> information request. There are quite a few attachments which we received via CD that I believe are too large to email you. Let me look into how best to get you those attachments.

Thanks,

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
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**Hicks, Matt**

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**From:** Hicks, Matt  
**Sent:** Tuesday, September 02, 2014 12:43 PM  
**To:** Mazer, Jodi  
**Subject:** Duke Coal  
**Attachments:** Duke Energy Info Req Ltr. 7-31-14.pdf; Duke Energy 308 Letter August 25 2014.pdf

Jodi,

Following up on our August 21<sup>st</sup> meeting, here are the two 308 information requests we've sent Duke.

Thanks,

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
Office of Environmental Accountability, 13th Floor  
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## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Tuesday, August 26, 2014 1:34 PM  
**To:** David.Fountain@duke-energy.com  
**Subject:** Duke Coal  
**Attachments:** Duke Energy 308 Letter August 25 2014.pdf

Mr. Fountain,

Please find attached a copy of an Information Request Letter pursuant to Section 308 of the Clean Water Act that was mailed yesterday to Ms. Lynn Good at Duke Energy Corporation.

Thank you and please let me know if you have any questions.

Matthew L. Hicks  
Associate Regional Counsel  
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**Hicks, Matt**

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**From:** Hicks, Matt  
**Sent:** Thursday, July 31, 2014 5:37 PM  
**To:** David.Fountain@duke-energy.com  
**Subject:** Duke Coal  
**Attachments:** Duke Energy Info Req Ltr. 7-31-14.pdf

Mr. Fountain,

Please find attached a copy of an Information Request Letter pursuant to Section 308 of the Clean Water Act that is being mailed today to Ms. Lynn Good at Duke Energy Corporation.

Thank you and please let me know if you have any questions.

Matthew L. Hicks  
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## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Thursday, July 31, 2014 5:39 PM  
**To:** dbuente@sidley.com  
**Subject:** Duke Coal  
**Attachments:** Duke Energy Info Req Ltr. 7-31-14.pdf

Mr. Buente,

Please find attached a copy of an Information Request Letter pursuant to Section 308 of the Clean Water Act that is being mailed today to Ms. Lynn Good at Duke Energy Corporation.

Thank you and please let me know if you have any questions.

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
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## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Thursday, August 07, 2014 4:58 PM  
**To:** dbuente@sidley.com; S. Lowrance  
**Cc:** Ghosh, Mita  
**Subject:** Duke Coal

Mr. Buente and Ms. Lowrance,

This email is to follow up on our August 5<sup>th</sup> call where we discussed EPA's 308 Information Request Letter (Letter) dated July 31, 2014. EPA has considered and agrees to your request to extend the 30-day response deadline as follows:

1. Response to Questions 1 and 2 will be due 45 days from receipt of the Letter.
2. Response to Questions 3 and 4 will be due 60 days from receipt of the Letter for the Asheville, Belews Creek, Cape Fear, Cliffside, Dan River, L.V. Sutton, and Riverbend facilities.
3. Response to Questions 3 and 4 will be due 120 days from receipt of the Letter for the Allen, Buck, H.F. Lee, Marshall, Mayo, Roxboro, and Weatherspoon facilities.

As you pointed out on the call, the Letter requires that Duke Energy identify all documents consulted, examined, or referred to in the preparation of its response to each question and subpart and that Duke Energy provide true and accurate copies of all such documents. You asked if EPA intended that Duke Energy produce: (a) all such documents (Option "A"); or (b) only those documents consulted, examined, or referred to that directly answer the question with a summary or general description of all documents Duke Energy is not producing, either because they don't directly answer the question or because they are superfluous (Option "B"). EPA agrees to Option "B" but requests that Duke Energy make all documents summarized or generally described accessible by continuing to pull and organize the information so that it is immediately available in the event that EPA requests a copy.

On the call, EPA mentioned that it will soon (next 2-4 weeks) be sending Duke Energy an additional 308 Information Request Letter related to the Cape Fear pumping event alleged in NCDENR's Notice of Violation. In addition to the Cape Fear pumping questions, EPA will also be asking Duke Energy to provide all Daily Monitoring Reports (DMRs) that show permit exceedances or a failure to monitor pursuant to the permit for all 14 Duke Energy facilities identified above and in the Letter. EPA mentions this now in order to give Duke Energy as much time as possible to prepare its response.

Thank you and please let me know if you have any questions.

Matthew L. Hicks  
Associate Regional Counsel  
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## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Tuesday, September 09, 2014 8:46 AM  
**To:** S. Lowrance  
**Subject:** RE: Duke Information Request

Sylvia,

Mita and I are available at 10:30 this morning. Should we call you or do you want to call us once you've patched in David?

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4 Office of Environmental Accountability, 13th Floor Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
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Fax: (404) 562-9487

-----Original Message-----

From: S. Lowrance [mailto:slowrance@verizon.net]  
Sent: Monday, September 08, 2014 2:18 PM  
To: Hicks, Matt  
Subject: Duke Information Request

Matt: David and I would like to have a short conversation with you regarding the schedule for the second Duke information request. It's very straightforward and should only take about 15 minutes. The best time for us is late morning tomorrow 9/9. We are both available anytime between 10:30-12.

Thanks,  
Sylvia

Sent from my iPhone

**Hicks, Matt**

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**From:** Hicks, Matt  
**Sent:** Tuesday, August 26, 2014 1:35 PM  
**To:** Buente Jr., David T.  
**Subject:** Duke Coal  
**Attachments:** Duke Energy 308 Letter August 25 2014.pdf

Mr. Buente,

Please find attached a copy of an Information Request Letter pursuant to Section 308 of the Clean Water Act that was mailed yesterday to Ms. Lynn Good at Duke Energy Corporation.

Thank you and please let me know if you have any questions.

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
Office of Environmental Accountability, 13th Floor  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
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Fax: (404) 562-9487

## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Tuesday, September 09, 2014 6:46 PM  
**To:** 'Buente Jr., David T.'; 'S. Lowrance'  
**Cc:** Ghosh, Mita  
**Subject:** Duke Coal

Mr. Buente and Ms. Lowrance,

This email is to follow up on our call this morning where we discussed EPA's 308 Information Request Letter dated August 25, 2014. EPA has considered and agrees to your request to change the 60-day response deadline as follows:

1. Response to Question 1 will be due October 20, 2014.
2. Response to Question 2 will be due November 17, 2014, for the Asheville, Belews Creek, Cape Fear, Cliffside, Dan River, L.V. Sutton, and Riverbend facilities.
3. Response to Question 2 will be due December 15, 2014, for the Allen, Buck, H.F. Lee, Marshall, Mayo, Roxboro, and Weatherspoon facilities.

Thank you,

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
Office of Environmental Accountability, 13th Floor  
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## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Tuesday, September 09, 2014 9:36 AM  
**To:** 'S. Lowrance'  
**Subject:** RE: Duke Information Request

We'll take the call from Mita's office. Her number is 404-562-9568.

Thank you,

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4 Office of Environmental Accountability, 13th Floor Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
Phone: (404) 562-9670  
Fax: (404) 562-9487

-----Original Message-----

From: S. Lowrance [mailto:slowrance@verizon.net]  
Sent: Tuesday, September 09, 2014 9:33 AM  
To: Hicks, Matt  
Subject: Re: Duke Information Request

Great. We will call you. I'm at Davids office this morning. What number should we call you on? Yours?

Sent from my iPhone

> On Sep 9, 2014, at 8:46 AM, "Hicks, Matt" <Hicks.Matthew@epa.gov> wrote:

>

> Sylvia,

>

> Mita and I are available at 10:30 this morning. Should we call you or do you want to call us once you've patched in David?

>

> Matthew L. Hicks  
> Associate Regional Counsel  
> U.S. Environmental Protection Agency, Region 4 Office of Environmental  
> Accountability, 13th Floor Atlanta Federal Center  
> 61 Forsyth Street, S.W.  
> Atlanta, Georgia 30303-8960  
> Phone: (404) 562-9670  
> Fax: (404) 562-9487

>

> -----Original Message-----

> From: S. Lowrance [mailto:slowrance@verizon.net]  
> Sent: Monday, September 08, 2014 2:18 PM  
> To: Hicks, Matt

## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Thursday, October 09, 2014 11:18 AM  
**To:** Allen, Gabriel (ENRD)  
**Subject:** Duke Coal  
**Attachments:** duke second 308 response letter.pdf; duke second 308 response.pdf

Gabe,

Attached is Duke Energy's second response to our July 31<sup>st</sup> information request. As before, there are quite a few attachments which we received via CD. I plan to send you hard copies of both of their responses with attachments in today's mail.

Could you please confirm whether this is your correct mailing address:

ENRD Mailroom, Rm. 2121  
601 D St. NW  
Washington, DC 20004

Thanks,

Matthew L. Hicks  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
Office of Environmental Accountability, 13th Floor  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
Phone: (404) 562-9670  
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## Hicks, Matt

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**From:** Hicks, Matt  
**Sent:** Friday, August 08, 2014 3:42 PM  
**To:** S.K. Lowrance  
**Subject:** RE: RE: RE: Duke Coal

Great. Will call you then on the conference line you provided.

**From:** S.K. Lowrance [mailto:slowrance@verizon.net]  
**Sent:** Friday, August 08, 2014 3:40 PM  
**To:** Hicks, Matt  
**Subject:** Re: RE: RE: Duke Coal

we are good for 3:45

On 08/08/14, Hicks, Matt<[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)> wrote:

Sounds good.

Matthew L. Hicks

Associate Regional Counsel

U.S. Environmental Protection Agency, Region 4

Office of Environmental Accountability, 13th Floor

Atlanta Federal Center

61 Forsyth Street, S.W.

Atlanta, Georgia 30303-8960

Phone: (404) 562-9670

Fax: (404) 562-9487

**From:** S.K. Lowrance [mailto:slowrance@verizon.net]  
**Sent:** Friday, August 08, 2014 11:32 AM  
**To:** Hicks, Matt  
**Subject:** Re: RE: Duke Coal

Excellent---we will call you as soon as he is in. Here is a call in 1-888-446-7584/code 594338#. Let's plan on 3:45. I'll e-mail you 5 minutes before to confirm whether David arrived on time!

On 08/08/14, Hicks, Matt<[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)> wrote:

Sylvia,

3:30 would work fine for me and I will be here until 4:30 if David's flight is delayed.

I assume you'll call me at my number below?

Thanks,

Matthew L. Hicks

Associate Regional Counsel

U.S. Environmental Protection Agency, Region 4

Office of Environmental Accountability, 13th Floor

Atlanta Federal Center

61 Forsyth Street, S.W.

Atlanta, Georgia 30303-8960

Phone: (404) 562-9670

Fax: (404) 562-9487

**From:** S.K. Lowrance [<mailto:slowrance@verizon.net>]

**Sent:** Friday, August 08, 2014 8:39 AM

**To:** Hicks, Matt

**Subject:** Re: Duke Coal

Matt: Thanks for the rapid response. If possible, David and I would like to set up a brief call with you this afternoon to discuss a suggestion on the Cape Fear timing, and have a clarifying question on the time period for the DMRs. Should not take but 5 or ten minutes. We could do anytime 4 or after. Perhaps 3:30 if David's plane arrives on time.

Thanks. Sylvia

On 08/07/14, Hicks, Matt<[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)> wrote:

Mr. Buente and Ms. Lowrance,

This email is to follow up on our August 5<sup>th</sup> call where we discussed EPA's 308 Information Request Letter (Letter) dated July 31, 2014. EPA has considered and agrees to your request to extend the 30-day response deadline as follows:

1. Response to Questions 1 and 2 will be due 45 days from receipt of the Letter.
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On the call, EPA mentioned that it will soon (next 2-4 weeks) be sending Duke Energy an additional 308 Information Request Letter related to the Cape Fear pumping event alleged in NCDENR's Notice of Violation. In addition to the Cape Fear pumping questions, EPA will also be asking Duke Energy to provide all Daily Monitoring Reports (DMRs) that show permit exceedances or a failure to monitor pursuant to the permit for all

14 Duke Energy facilities identified above and in the Letter. EPA mentions this now in order to give Duke Energy as much time as possible to prepare its response.

Thank you and please let me know if you have any questions.

Matthew L. Hicks

Associate Regional Counsel

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